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STATUTORY INSTRUMENTS

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**2008 No. 1741**

**The Representation of the People  
(Northern Ireland) Regulations 2008**

**PART 5**

**ISSUE AND RECEIPT OF POSTAL BALLOT PAPERS**

*Issue of Postal Ballot Papers*

**Form of declaration of identity**

**71.** The form of the declaration of identity for the purposes of rule 24 of the elections rules<sup>(1)</sup> shall be in—

- (a) Form L at a parliamentary election where the poll is taken alone;
- (b) Form M at a parliamentary election where the poll is taken together with the poll at a local election.

**Persons entitled to be present at proceedings on issue and receipt of postal ballot papers**

**72.—**(1) Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the Political Parties, Elections and Referendums Act 2000<sup>(2)</sup> no person may be present at the proceedings on the issue or receipt of postal ballot papers at a parliamentary election other than—

- (a) the returning officer;
- (b) a candidate;
- (c) an election agent or any person appointed by a candidate to attend in his election agent's place; and
- (d) any agents appointed under regulation 73.

**Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers**

**73.—**(1) Each candidate may appoint one or more agents to attend the proceedings on the issue or receipt of the postal ballot papers.

(2) The returning officer shall specify the number of agents allowed to attend proceedings under paragraph (1).

(3) The number of agents specified under paragraph (2) shall be the same for each candidate.

(4) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate to the returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters' ballot box, as the case may be.

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(1) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act and then by section 37 of the 2006 Act (c.22).

(2) 2000 c.41; sections 6A, 6B, 6C, 6D and 6E were inserted by section 29 of the 2006 Act.

(5) If an agent dies or becomes incapable of acting, the candidate may appoint another agent in his place and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.

(6) Agents may be appointed and notice of appointment given to the returning officer by the candidate's election agent instead of by the candidate.

(7) In this Part of these Regulations references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under paragraph (1), who are within the number authorised by the returning officer.

(8) A candidate may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(9) Where in this Part of these Regulations any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such persons or person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### **Notification of requirement of secrecy**

74. The returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of subsections (4) and (6) of section 66 of the 1983 Act<sup>(3)</sup>.

#### **Notice of issue of postal ballot papers**

75.—(1) The returning officer shall give each candidate not less than 48 hours' notice in writing of the time and place at which he will issue postal ballot papers and of the number of agents which each candidate may appoint under regulation 73 to attend that issue.

(2) Where any subsequent issue of postal ballot papers is made, the returning officer shall notify each candidate as soon as practicable of the time and place at which he will make such subsequent issue and of the number of agents the candidate may appoint under regulation 73 to attend such issue.

#### **Procedure on issue of postal ballot paper**

76.—(1) The number of the elector as stated in the register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to the elector.

(2) A mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy, but without showing the particular ballot paper issued.

(3) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

(4) Where the poll at one election is taken with the poll at another election, the colour of the postal ballot paper must also be marked on the declaration of identity sent with that paper.

(5) The address to which the postal ballot paper, declaration of identity and the envelopes referred to in regulation 78 are to be sent is—

- (a) in the case of an elector, the address shown in the absent voters list;
- (b) in the case of a proxy, the address shown in the special list kept under section 9(9) of the 1985 Act.

(3) 1983 c.2; section 66(4) was amended by paragraph 86(c) of Schedule 1 to the 2006 Act, section 66(5) was amended by paragraph 86(d) of Schedule 1 to the 2006 Act and section 66(6) was amended by Schedule 3 to the 1985 Act.

### **Refusal to issue postal ballot paper**

77. Where a returning officer is satisfied that two or more entries in the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector, he shall not issue more than one ballot paper in respect of that elector.

### **Envelopes**

78.—(1) Paragraphs (2) and (3) prescribe the envelopes which are to be issued to a postal voter in addition to the ballot paper and declaration of identity (which are issued under rule 24 of the elections rules(4)).

(2) There shall be issued an envelope for the return of the postal ballot paper and the declaration of identity (referred to as a “covering envelope”) which shall be marked with the letter “B”.

(3) There shall also be issued a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
  - (b) the words “ballot paper envelope”; and
  - (c) the number of the ballot paper, unless the envelope has a window through which the number on the ballot paper (or ballot papers) can be displayed.
- (4) Where the polls are taken together—
- (a) the envelope referred to in paragraph (2) must also be marked “Covering envelope for the [*insert the colour of the ballot paper*] coloured ballot paper”; and
  - (b) on the envelope referred to in paragraph (3) after the words “Ballot paper envelope” there must be added “for the [*insert colour of the ballot paper*] coloured ballot paper”.

### **Sealing up of completed corresponding number lists and security of special lists**

79.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the returning officer shall make up into a packet the completed corresponding number lists of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in paragraph (2), the returning officer shall take precautions for the security of the lists referred to in that paragraph.

### **Delivery of postal ballot papers**

80.—(1) For the purpose of delivering postal ballot papers, the returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm; or
- (c) clerks appointed under rule 26(1) of the elections rules.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters and on the covering envelopes.

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(4) Rule 24 was substituted by paragraph 10(3) of Schedule 6 to the 2000 Act and then by section 37 of the 2006 Act (c22).

### **Spoilt postal ballot papers**

**81.**—(1) If a postal voter has inadvertently dealt with his postal ballot paper in such manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt postal ballot paper”) he may return (either by hand or by post) to the returning officer the spoilt ballot paper and the declaration of identity.

(2) On receipt of the documents referred to in paragraph (1), the returning officer shall issue another postal ballot paper except where those documents are received after 5p.m. on the day before the day of the poll.

(3) Regulations 76 (except paragraph (3)), 78, 79, and, subject to paragraph (6), 80 shall apply to the issue of a replacement postal ballot paper under paragraph (2).

(4) The spoilt postal ballot paper and the declaration of identity shall be immediately cancelled.

(5) The returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Where a postal voter applies in person, the returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with regulation 80.

(7) The returning officer shall enter in a list kept for the purpose (“the list of spoilt ballot papers”)

—

- (a) the name and address of the elector as stated in the register;
- (b) the number of the postal ballot paper issued under this regulation; and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.